

REMARKS

Upon entry of the present amendment, claims 1-8 and 10-12 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. For example, claim 2 has been amended to incorporate a limitation previously found in claim 9 (which is now cancelled). Support for the amendment to claim 2 also occurs in the instant specification at page 6, lines 8-10, and in Examples 5-11 of the application, which utilize therein an organic fiber (cut cotton cloth) as described at page 27, lines 24-25 of the specification.

Based upon the above considerations, entry of the present amendment is respectfully requested.

Claim Rejections Under 35 USC § 102

Claims 1-12 have been rejected under 35 USC § 102(b) as being anticipated by Gynn et al. (US 5,521,232). Further, claims 1, 4, 10 and 12 have been rejected under 35 USC § 102(e) as being anticipated by Sugita (US 6,329,442). Reconsideration and withdrawal of these rejections is respectfully requested based upon the following considerations.

In the instant invention, there is provided a molding composition comprising the following components:

- (A) a fibrous material;
- (B) an inorganic filler;
- at least one of (C) a radical polymerizable unsaturated polyester having an acid value of 3 to 60 KOHmg/g and (D) a radical polymerizable unsaturated polyester-polyamide having an acid value of 3 to 60 KOHmg/g; and
- (E) a radical generator.

In the claimed invention, it is specified that the component (B) has been internally added to at least one of the components (C) and (D). By internally adding component (B) to the resin (C) and/or (D), one can achieve superior results in comparison with the situation where component (D) is not internally added. In support of this contention, the Examiner's attention is directed to Examples 1-3 and comparative Examples 1-3 in the present specification.

Particularly, as shown in Table 1 of the specification (see page 23) the compositions between Example 1 and Comparative Example 1, Example 2 and Comparative Example 2, and Example 3 and Comparative Example 3, respectively, are the same except that in the former examples, "internally adding" component (D) occurs, while in the latter Comparative Examples "externally adding" component (D) occurs.

As shown in Table 2 at page 24 of the specification, Examples 1-3 all possess high flexural strength when compared with Comparative Examples 1-3, and also offered excellent heat resistance as measured by "no warpage" when compared with Comparative Examples 1-3 which possess some warpage in an amount of "less than 1 mm".

Accordingly, it is submitted that by "internally adding" component (D) in the claimed invention, one obtains a product that is not the same as or identical with a product that uses the step of "externally adding" a component (D) into a molding composition.

Based upon the above considerations, and the fact that none of the cited references teaches a step of "internally adding" as occurs in the present invention, it follows that the disclosures of each of the cited references of Gynn et al. and Sugita are incapable of anticipating Applicants' claimed invention.

Still further, it is noted that in instant claim 2, the same has been amended to recite that the component (A) is "a fibrous material of an organic fiber". Nowhere in the cited reference of Gynn et al. is there disclosed or otherwise mentioned any advantages of such an organic fiber. Instead, in claim 13 of the cited Gynn reference, there is simply disclosed the use of a polyolefin fiber and the like, which are organic fibers, and silica, which is an inorganic fiber. However, there is no mention

in the claim that an organic fiber is especially preferable, as has been discovered by the present inventors. This same argument is also presented against claim 4 of the cited Gynn et al. reference, which in no way motivates one of ordinary skill in the art to arrive at the instant invention, or the fact that a fibrous material of an organic fiber as utilized for component (A) in the present invention aids in achieving an advantageous result.

Additionally, it is noted that nowhere in the cited Gynn et al. specification is there provided any disclosure or teachings regarding the use of "an organic fiber" such as a polyolefin fiber. Instead, such teachings as may exist therein only occur in the claims thereof, with no differentiation being given between organic fibers or other fibers such as inorganic fibers. Likewise, it is noted that the Examples of Gynn (see Table at column 6) which correspond to the instant claim 2 utilize therein only Aerosil and fiberglass as the fibrous material, both of which are inorganic fibers.

Based upon the above considerations, as well as a consideration of the instantly amended claim 2, it follows that the outstanding rejections over the cited art under 35 USC § 102 are not sustainable. This is because the cited art does not provide for or otherwise teach each of the elements recited in the present claims. For example, the cited references do not teach the final

element of claim 1, which claim recites as "wherein the component (B) has been internally added to at least one of the components (C) and (D)". As indicated at page 7 of the specification, this aspect of the present invention relates to a molding composition, wherein the inorganic filler shows improved compatibility with the fibrous material by the action of the fatty acid metal salt so that it can be uniformly dispersed in the molding composition to manifest its effect (see page 7, lines 10-20 of the instant specification).

Additional Comments

For the Examiner's convenience the following is mentioned. Even though the references of Aoki (US 6,339,115) and Yamaguchi (US 6,300,387) have dates that could possibly allow them to be cited under the provisions of 35 USC § 102(e)/35 USC § 103(a), these two references were commonly owned at the time of the present invention, so that neither one can be properly applied as applicable art against the present invention under the provisions of 35 USC § 103(a).

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance,

clearly indicating that pending claims 1-8 and 10-12 are allowed and patentable over the cited art of record.

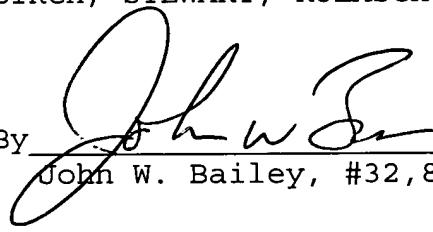
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


John W. Bailey, #32,881

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JWB/enm
0649-0791P